



SEATTLE CITY COUNCIL | POSITION 9

**COUNCILMEMBER M. LORENA GONZÁLEZ**

**VIA ELECTRONIC MAIL**

January 19, 2018

Mayor Jenny A. Durkan  
Seattle City Hall  
600 Fourth Avenue, 7<sup>th</sup> Floor  
Seattle, WA 98104

Re: Compliance with SMC 4.18 & Ordinances 121063, 121159

As the daughter of Mexican immigrants, an immigrant rights activist and the Chair of the City Council's New American Committee, I deeply appreciate your administration's ongoing commitment to our prior legislative actions and policy statements to remain and to strengthen our Welcoming City status. I look forward to continuing to collaborate with your administration to ensure the City of Seattle fulfills in practice its promise as a Welcoming City. I write to you today to flag some potential areas of risk that I hope we can work on together to mitigate or eliminate.

On January 11, 2018, *The Seattle Times* published an [article](#) that exposed the Washington State Department of Licensing's (DOL) practice of voluntarily sharing personally identifying information with federal Immigration Customs and Enforcement (ICE). That article described the DOL's practice as follows:

“Yet, 20 to 30 times a month, a state agency has been giving residents’ personal information to federal immigration-enforcement officers — information used to arrest and deport people in keeping with the president’s policies.

...

When DOL gives information to ICE, it redacts a field on the driver's-license application showing whether someone has a Social Security number but leaves visible fields showing where someone was born (possibly a foreign country) and the ID used (sometimes foreign passports or other documents).

ICE uses that information as evidence that someone doesn't belong in the U.S.

This, for instance, appeared in the ICE arrest report for Baltazar "Rosas" Aburto Gutierrez, a Pacific County shellfish worker [detained in November](#): "It was discovered that he had utilized a Mexican birth certificate to apply for his Driver's license."

The actions of the DOL Director and its employees appear to contravene Governor Inslee's [Executive Order 17-01](#), which he signed on February 23, 2017. I utilize the DOL incident as an example because through this contemporary incident we see what occurs when the intent and spirit of legislative and policy directives are not properly operationalized with directors, supervisors and frontline agency workers. We have repeatedly stated that we will refuse to be an enforcement arm for ICE when the law does not compel us to do so. Failure to see through efforts to implement our intent will result in a failure to fulfill our promise to protect our immigrant communities.

As you know, City officers and employees are required to comply with [SMC 4.18](#), *et. seq.*, and Ordinances 121063 and 121159. Collectively, these laws prohibit City officers and employees from conditioning services upon proof of immigration status and it requires cooperation with enforcement of federal immigration laws but only under specifically enumerated circumstances. However, these laws do not contemplate an employee voluntarily sharing information with ICE and to do so, in my opinion, would be in contravention of the spirit of these legislative actions.

Even though these laws have been in place since 2003, I am unaware of any audit or regular review or report by the Executive to assess compliance with the spirit and intent of these requirements as required by [SMC 4.18.020](#), which provides that the "Mayor shall report to the City Council and the people on a yearly basis as to the actions taken and being taken in support of this chapter." I am also unaware of any employee training that focuses on educating our workforce on their duties and obligations under these laws, subsequent Mayoral Executive Orders or Council Resolutions.

In light of the DOL incident, the increasing aggressive and covert enforcement actions by ICE and our ongoing commitment to our immigrant community, I am requesting that the Executive provide me with a response to this letter that will give the City Council – and the public – a better sense of our agencies' compliance with SMC 4.18 and Ordinance 121063 as required by SMC 4.18.020. I am happy to work with you on a reasonable timeline for receipt of this statutorily required report.

Additionally, I believe that we can and must go farther to bring into action our commitment as a Welcoming City. There are, for example, other local efforts, such as King County Council's [proposed ordinance 2017-0487](#) and the Keep Washington Working bill in Olympia ([S.B. 5689](#)); these bills seek to strengthen protections for immigrant communities and data sharing of sensitive information. Addressing these privacy concerns on behalf of our immigrant and

refugee communities is one way we can proactively fight against detention and deportation of our City's residents and workers.

I welcome the opportunity to work with you, our Office of Immigrant & Refugee Affairs and subject matter experts in this area, to lead the way on any and all legislative or policy modifications necessary to address these issues head on.

We look forward to engaging with your office and departments on ways we can identify policies and practices that best protect our immigrant communities and residents. I believe that together we can collaborate to avoid breaching the trust that our immigrant communities place in us when we come into possession of their highly sensitive information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Lorena González', with a stylized, cursive script.

**Councilmember M. Lorena González**

*Chair: Gender Equity, Safe Communities, New Americans & Education Committee*

cc: Mike Fong, Deputy Mayor  
Shefali Ranganathan, Deputy Mayor  
Anthony Auriemma, Council Relations Liaison  
Director Cuc Vu, Seattle Office of Immigrants & Refugees  
Patricia Lee, Council Central Staff